

**ESHB 1624** - S AMD 598  
By Senator Hargrove

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW  
4 to read as follows:

5 (1) A child may petition the juvenile court to reinstate the  
6 previously terminated parental rights of his or her parent under the  
7 following circumstances:

8 (a) The child was previously found to be a dependent child under  
9 this chapter;

10 (b) The child's parent's rights were terminated in a proceeding  
11 under this chapter;

12 (c) The child has not achieved his or her permanency plan within  
13 three years of a final order of termination, or if the final order was  
14 appealed, within three years of exhaustion of any right to appeal the  
15 order terminating parental rights; and

16 (d) Absent good cause, the child must be at least twelve years old  
17 at the time the petition is filed.

18 (2) A child seeking to petition under this section shall be  
19 provided counsel at no cost to the child.

20 (3) The petition must be signed by the child in the absence of a  
21 showing of good cause as to why the child could not do so.

22 (4) If, after a threshold hearing to consider the parent's apparent  
23 fitness and interest in reinstatement of parental rights, it appears  
24 that the best interests of the child may be served by reinstatement of  
25 parental rights, the juvenile court shall order that a hearing on the  
26 merits of the petition be held.

27 (5) The court shall give prior notice for any proceeding under this  
28 section, or cause prior notice to be given, to the department, the  
29 child's attorney, and the child. The court shall also order the  
30 department to give prior notice of any hearing to the child's former

1 parent whose parental rights are the subject of the petition, any  
2 parent whose rights have not been terminated, the child's current  
3 foster parent, relative caregiver, guardian or custodian, and the  
4 child's tribe, if applicable.

5 (6) The juvenile court shall conditionally grant the petition if it  
6 finds by clear and convincing evidence that the child has not achieved  
7 his or her permanency plan and is not likely to imminently achieve his  
8 or her permanency plan and that reinstatement of parental rights is in  
9 the child's best interest. In determining whether reinstatement is in  
10 the child's best interest the court shall consider, but is not limited  
11 to, the following:

12 (a) Whether the parent whose rights are to be reinstated is a fit  
13 parent and has remedied his or her deficits as provided in the record  
14 of the prior termination proceedings and prior termination order;

15 (b) The age and maturity of the child, and the ability of the child  
16 to express his or her preference;

17 (c) Whether the reinstatement of parental rights will present a  
18 risk to the child's health, welfare, or safety; and

19 (d) Other material changes in circumstances, if any, that may have  
20 occurred which warrant the granting of the petition.

21 (7) In determining whether the child has or has not achieved his or  
22 her permanency plan or whether the child is likely to achieve his or  
23 her permanency plan, the department shall provide the court, and the  
24 court shall review, information related to any efforts to achieve the  
25 permanency plan including efforts to achieve adoption or a permanent  
26 guardianship.

27 (8)(a) If the court conditionally grants the petition under  
28 subsection (6) of this section, the case will be continued for six  
29 months. During this period, the child shall be placed in the custody  
30 of the parent. The department shall develop a permanency plan for the  
31 child reflecting the plan to be reunification and shall provide  
32 transition services to the family as appropriate.

33 (b) If the child must be removed from the parent due to abuse or  
34 neglect allegations prior to the expiration of the conditional six-  
35 month period, the court shall dismiss the petition for reinstatement of  
36 parental rights if the court finds the allegations have been proven by  
37 a preponderance of the evidence.

1 (c) If the child has been successfully placed with the parent for  
2 six months, the court order reinstating parental rights remains in  
3 effect and the court shall dismiss the dependency.

4 (9) The granting of the petition under this section does not vacate  
5 or otherwise affect the validity of the original termination order.

6 (10) Any parent whose rights are reinstated under this section  
7 shall not be liable for any child support owed to the department  
8 pursuant to RCW 13.34.160 for the time period from the date of  
9 termination of parental rights to the date parental rights are  
10 reinstated.

11 (11) A proceeding to reinstate parental rights is a separate action  
12 from the termination of parental rights proceeding and does not vacate  
13 the original termination of parental rights. An order granted under  
14 this section reinstates the parental rights to the child. This  
15 reinstatement is a recognition that the situation of the parent and  
16 child have changed since the time of the termination of parental rights  
17 and reunification is now appropriate.

18 (12) This section is retroactive and applies to any child who is  
19 under the jurisdiction of the juvenile court at the time of the hearing  
20 regardless of the date parental rights were terminated.

21 **Sec. 2.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read  
22 as follows:

23 (1) Upon the termination of parental rights pursuant to RCW  
24 13.34.180, all rights, powers, privileges, immunities, duties, and  
25 obligations, including any rights to custody, control, visitation, or  
26 support existing between the child and parent shall be severed and  
27 terminated and the parent shall have no standing to appear at any  
28 further legal proceedings concerning the child, except as provided in  
29 section 1 of this act: PROVIDED, That any support obligation existing  
30 prior to the effective date of the order terminating parental rights  
31 shall not be severed or terminated. The rights of one parent may be  
32 terminated without affecting the rights of the other parent and the  
33 order shall so state.

34 (2) An order terminating the parent and child relationship shall  
35 not disentitle a child to any benefit due the child from any third  
36 person, agency, state, or the United States, nor shall any action under

1 this chapter be deemed to affect any rights and benefits that an Indian  
2 child derives from the child's descent from a member of a federally  
3 recognized Indian tribe.

4 (3) An order terminating the parent-child relationship shall  
5 include a statement addressing the status of the child's sibling  
6 relationships and the nature and extent of sibling placement, contact,  
7 or visits.

8 **Sec. 3.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read  
9 as follows:

10 (1) A child taken into custody pursuant to RCW 13.34.050 or  
11 26.44.050 shall be immediately placed in shelter care. A child taken  
12 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070  
13 shall be placed in shelter care only when permitted under RCW  
14 13.34.055. No child may be held longer than seventy-two hours,  
15 excluding Saturdays, Sundays, and holidays, after such child is taken  
16 into custody unless a court order has been entered for continued  
17 shelter care. In no case may a child who is taken into custody  
18 pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a  
19 secure detention facility.

20 ((+a)) (2) Unless there is reasonable cause to believe that the  
21 health, safety, or welfare of the child would be jeopardized or that  
22 the efforts to reunite the parent and child will be hindered, priority  
23 placement for a child in shelter care, pending a court hearing, shall  
24 be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b).  
25 The person must be willing and available to care for the child and be  
26 able to meet any special needs of the child and the court must find  
27 that such placement is in the best interests of the child. The person  
28 must be willing to facilitate the child's visitation with siblings, if  
29 such visitation is part of the supervising agency's plan or is ordered  
30 by the court. If a child is not initially placed with a relative or  
31 other suitable person requested by the parent pursuant to this section,  
32 the supervising agency shall make an effort within available resources  
33 to place the child with a relative or other suitable person requested  
34 by the parent on the next business day after the child is taken into  
35 custody. The supervising agency shall document its effort to place the  
36 child with a relative or other suitable person requested by the parent

1 pursuant to this section. Nothing within this subsection (~~((1)(a))~~)  
2 (2) establishes an entitlement to services or a right to a particular  
3 placement.

4 ~~((b))~~ (3) Whenever a child is taken into custody pursuant to this  
5 section, the supervising agency may authorize evaluations of the  
6 child's physical or emotional condition, routine medical and dental  
7 examination and care, and all necessary emergency care. ~~((In no case  
8 may a child who is taken into custody pursuant to RCW 13.34.055,  
9 13.34.050, or 26.44.050 be detained in a secure detention facility. No  
10 child may be held longer than seventy two hours, excluding Saturdays,  
11 Sundays and holidays, after such child is taken into custody unless a  
12 court order has been entered for continued shelter care. The child and  
13 his or her parent, guardian, or custodian shall be informed that they  
14 have a right to a shelter care hearing. The court shall hold a shelter  
15 care hearing within seventy two hours after the child is taken into  
16 custody, excluding Saturdays, Sundays, and holidays. If a parent,  
17 guardian, or legal custodian desires to waive the shelter care hearing,  
18 the court shall determine, on the record and with the parties present,  
19 whether such waiver is knowing and voluntary.~~

20 ~~(2) Whenever a child is taken into custody by child protective  
21 services pursuant to a court order issued under RCW 13.34.050 or when  
22 child protective services is notified that a child has been taken into  
23 custody pursuant to RCW 26.44.050 or 26.44.056, child protective  
24 services shall make reasonable efforts to inform the parents, guardian,  
25 or legal custodian of the fact that the child has been taken into  
26 custody, the reasons why the child was taken into custody, and their  
27 legal rights under this title as soon as possible and in no event shall  
28 notice be provided more than twenty four hours after the child has been  
29 taken into custody or twenty four hours after child protective services  
30 has been notified that the child has been taken into custody. The  
31 notice of custody and rights may be given by any means reasonably  
32 certain of notifying the parents including, but not limited to,  
33 written, telephone, or in person oral notification. If the initial  
34 notification is provided by a means other than writing, child  
35 protective services shall make reasonable efforts to also provide  
36 written notification.)~~



1           2. You have the right to have a lawyer represent you at the  
2 hearing. Your right to representation continues after the shelter care  
3 hearing. You have the right to records the department intends to rely  
4 upon. A lawyer can look at the files in your case, talk to child  
5 protective services and other agencies, tell you about the law, help  
6 you understand your rights, and help you at hearings. If you cannot  
7 afford a lawyer, the court will appoint one to represent you. To get  
8 a court-appointed lawyer you must contact:           (explain local  
9 procedure)          .

10           3. At the hearing, you have the right to speak on your own behalf,  
11 to introduce evidence, to examine witnesses, and to receive a decision  
12 based solely on the evidence presented to the judge.

13           4. If your hearing occurs before a court commissioner, you have the  
14 right to have the decision of the court commissioner reviewed by a  
15 superior court judge. To obtain that review, you must, within ten days  
16 after the entry of the decision of the court commissioner, file with  
17 the court a motion for revision of the decision, as provided in RCW  
18 2.24.050.

19           You should be present at any shelter care hearing. If you do not  
20 come, the judge will not hear what you have to say.

21           You may call the Child Protective Services' caseworker for more  
22 information about your child. The caseworker's name and telephone  
23 number are:           (insert name and telephone number)          .

24           5. You have a right to a case conference to develop a written  
25 service agreement following the shelter care hearing. The service  
26 agreement may not conflict with the court's order of shelter care. You  
27 may request that a multidisciplinary team, family group conference, or  
28 prognostic staffing be convened for your child's case. You may  
29 participate in these processes with your counsel present."

30           Upon receipt of the written notice, the parent, guardian, or legal  
31 custodian shall acknowledge such notice by signing a receipt prepared  
32 by child protective services. If the parent, guardian, or legal  
33 custodian does not sign the receipt, the reason for lack of a signature  
34 shall be written on the receipt. The receipt shall be made a part of  
35 the court's file in the dependency action.

36           If after making reasonable efforts to provide notification, child  
37 protective services is unable to determine the whereabouts of the

1 parents, guardian, or legal custodian, the notice shall be delivered or  
2 sent to the last known address of the parent, guardian, or legal  
3 custodian.

4 ~~((2))~~ (3) If child protective services is not required to give  
5 notice under ~~((RCW 13.34.060(2) and subsection (1) of))~~ this section,  
6 the juvenile court counselor assigned to the matter shall make all  
7 reasonable efforts to advise the parents, guardian, or legal custodian  
8 of the time and place of any shelter care hearing, request that they be  
9 present, and inform them of their basic rights as provided in RCW  
10 13.34.090.

11 ~~((3))~~ (4) Reasonable efforts to advise and to give notice, as  
12 required in ~~((RCW 13.34.060(2) and subsections (1) and (2) of))~~ this  
13 section, shall include, at a minimum, investigation of the whereabouts  
14 of the parent, guardian, or legal custodian. If such reasonable  
15 efforts are not successful, or the parent, guardian, or legal custodian  
16 does not appear at the shelter care hearing, the petitioner shall  
17 testify at the hearing or state in a declaration:

18 (a) The efforts made to investigate the whereabouts of, and to  
19 advise, the parent, guardian, or legal custodian; and

20 (b) Whether actual advice of rights was made, to whom it was made,  
21 and how it was made, including the substance of any oral communication  
22 or copies of written materials used.

23 ~~((4) The court shall hear evidence regarding notice given to, and  
24 efforts to notify, the parent, guardian, or legal custodian and shall  
25 examine the need for shelter care. The court shall hear evidence  
26 regarding the efforts made to place the child with a relative. The  
27 court shall make an express finding as to whether the notice required  
28 under RCW 13.34.060(2) and subsections (1) and (2) of this section was  
29 given to the parent, guardian, or legal custodian. All parties have  
30 the right to present testimony to the court regarding the need or lack  
31 of need for shelter care. Hearsay evidence before the court regarding  
32 the need or lack of need for shelter care must be supported by sworn  
33 testimony, affidavit, or declaration of the person offering such  
34 evidence.~~

35 ~~(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall  
36 include the requirement for a case conference as provided in RCW  
37 13.34.067. However, if the parent is not present at the shelter care~~

1 ~~hearing, or does not agree to the case conference, the court shall not~~  
2 ~~include the requirement for the case conference in the shelter care~~  
3 ~~order.~~

4 ~~(b) If the court orders a case conference, the shelter care order~~  
5 ~~shall include notice to all parties and establish the date, time, and~~  
6 ~~location of the case conference which shall be no later than thirty~~  
7 ~~days prior to the fact finding hearing.~~

8 ~~(c) The court may order a conference or meeting as an alternative~~  
9 ~~to the case conference required under RCW 13.34.067 so long as the~~  
10 ~~conference or meeting ordered by the court meets all requirements under~~  
11 ~~RCW 13.34.067, including the requirement of a written agreement~~  
12 ~~specifying the services to be provided to the parent.~~

13 ~~(6) A shelter care order issued pursuant to RCW 13.34.065 may be~~  
14 ~~amended at any time with notice and hearing thereon. The shelter care~~  
15 ~~decision of placement shall be modified only upon a showing of change~~  
16 ~~in circumstances. No child may be placed in shelter care for longer~~  
17 ~~than thirty days without an order, signed by the judge, authorizing~~  
18 ~~continued shelter care.~~

19 ~~(7) Any parent, guardian, or legal custodian who for good cause is~~  
20 ~~unable to attend the initial shelter care hearing may request that a~~  
21 ~~subsequent shelter care hearing be scheduled. The request shall be~~  
22 ~~made to the clerk of the court where the petition is filed prior to the~~  
23 ~~initial shelter care hearing. Upon the request of the parent, the~~  
24 ~~court shall schedule the hearing within seventy two hours of the~~  
25 ~~request, excluding Saturdays, Sundays, and holidays. The clerk shall~~  
26 ~~notify all other parties of the hearing by any reasonable means.))~~

27 **Sec. 5.** RCW 13.34.065 and 2001 c 332 s 3 are each amended to read  
28 as follows:

29 (1)(a) When a child is taken into custody, the court shall hold a  
30 shelter care hearing within seventy-two hours, excluding Saturdays,  
31 Sundays, and holidays. The primary purpose of the shelter care hearing  
32 is to determine whether the child can be immediately and safely  
33 returned home while the adjudication of the dependency is pending.

34 (b) Any parent, guardian, or legal custodian who for good cause is  
35 unable to attend the shelter care hearing may request that a subsequent  
36 shelter care hearing be scheduled. The request shall be made to the  
37 clerk of the court where the petition is filed prior to the initial

1 shelter care hearing. Upon the request of the parent, the court shall  
2 schedule the hearing within seventy-two hours of the request, excluding  
3 Saturdays, Sundays, and holidays. The clerk shall notify all other  
4 parties of the hearing by any reasonable means.

5 (2)(a) The (~~juvenile court probation counselor~~) department of  
6 social and health services shall submit a recommendation to the court  
7 as to the further need for shelter care (~~unless the petition has been~~  
8 filed by the department, in which case the recommendation shall be  
9 submitted by the department)) in all cases in which it is the  
10 petitioner. In all other cases, the recommendation shall be submitted  
11 by the juvenile court probation counselor.

12 (b) All parties have the right to present testimony to the court  
13 regarding the need or lack of need for shelter care.

14 (c) Hearsay evidence before the court regarding the need or lack of  
15 need for shelter care must be supported by sworn testimony, affidavit,  
16 or declaration of the person offering such evidence.

17 (3)(a) At the commencement of the hearing, the court shall notify  
18 the parent, guardian, or custodian of the following:

19 (i) The parent, guardian, or custodian has the right to a shelter  
20 care hearing;

21 (ii) The nature of the shelter care hearing, the rights of the  
22 parents, and the proceedings that will follow; and

23 (iii) If the parent, guardian, or custodian is not represented by  
24 counsel, the right to be represented. If the parent, guardian, or  
25 custodian is indigent, the court shall appoint counsel as provided in  
26 RCW 13.34.090; and

27 (b) If a parent, guardian, or legal custodian desires to waive the  
28 shelter care hearing, the court shall determine, on the record and with  
29 the parties present, whether such waiver is knowing and voluntary. A  
30 parent may not waive his or her right to the shelter care hearing  
31 unless he or she appears in court and the court determines that the  
32 waiver is knowing and voluntary. Regardless of whether the court  
33 accepts the parental waiver of the shelter care hearing, the court must  
34 provide notice to the parents of their rights required under (a) of  
35 this subsection and make the finding required under subsection (4) of  
36 this section.

37 (4) At the shelter care hearing the court shall examine the need  
38 for shelter care and inquire into the status of the case. The

1 paramount consideration for the court shall be the health, welfare, and  
2 safety of the child. At a minimum, the court shall inquire into the  
3 following:

4 (a) Whether the notice required under RCW 13.34.062 was given to  
5 all known parents, guardians, or legal custodians of the child. The  
6 court shall make an express finding as to whether the notice required  
7 under RCW 13.34.062 was given to the parent, guardian, or legal  
8 custodian. If actual notice was not given to the parent, guardian, or  
9 legal custodian and the whereabouts of such person is known or can be  
10 ascertained, the court shall order the supervising agency or the  
11 department of social and health services to make reasonable efforts to  
12 advise the parent, guardian, or legal custodian of the status of the  
13 case, including the date and time of any subsequent hearings, and their  
14 rights under RCW 13.34.090;

15 (b) Whether the child can be safely returned home while the  
16 adjudication of the dependency is pending;

17 (c) What efforts have been made to place the child with a relative;

18 (d) What services were provided to the family to prevent or  
19 eliminate the need for removal of the child from the child's home;

20 (e) Is the placement proposed by the agency the least disruptive  
21 and most family-like setting that meets the needs of the child;

22 (f) Whether it is in the best interest of the child to remain  
23 enrolled in the school, developmental program, or child care the child  
24 was in prior to placement and what efforts have been made to maintain  
25 the child in the school, program, or child care if it would be in the  
26 best interest of the child to remain in the same school, program, or  
27 child care;

28 (g) Appointment of a guardian ad litem or attorney;

29 (h) Whether the child is or may be an Indian child as defined in 25  
30 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare  
31 act apply, and whether there is compliance with the Indian child  
32 welfare act, including notice to the child's tribe;

33 (i) Whether restraining orders, or orders expelling an allegedly  
34 abusive parent from the home, will allow the child to safely remain in  
35 the home;

36 (j) Whether any orders for examinations, evaluations, or immediate  
37 services are needed. However, the court may not order a parent to

1 undergo examinations, evaluation, or services at the shelter care  
2 hearing unless the parent agrees to the examination, evaluation, or  
3 service;

4 (k) The terms and conditions for parental, sibling, and family  
5 visitation.

6 ~~((+2))~~ (5)(a) The court shall release a child alleged to be  
7 dependent to the care, custody, and control of the child's parent,  
8 guardian, or legal custodian unless the court finds there is reasonable  
9 cause to believe that:

10 ~~((+a))~~ (i) After consideration of the specific services that have  
11 been provided, reasonable efforts have been made to prevent or  
12 eliminate the need for removal of the child from the child's home and  
13 to make it possible for the child to return home; and

14 ~~((+b)(i))~~ (ii)(A) The child has no parent, guardian, or legal  
15 custodian to provide supervision and care for such child; or

16 ~~((+ii))~~ (B) The release of such child would present a serious  
17 threat of substantial harm to such child; or

18 ~~((+iii))~~ (C) The parent, guardian, or custodian to whom the child  
19 could be released has been charged with violating RCW 9A.40.060 or  
20 9A.40.070.

21 (b) If the court does not release the child to his or her parent,  
22 guardian, or legal custodian, and the child was initially placed with  
23 a relative pursuant to RCW 13.34.060(1), the court shall order  
24 continued placement with a relative, unless there is reasonable cause  
25 to believe the health, safety, or welfare of the child would be  
26 jeopardized or that the efforts to reunite the parent and child will be  
27 hindered. The relative must be willing and available to:

28 (i) Care for the child and be able to meet any special needs of the  
29 child;

30 (ii) Facilitate the child's visitation with siblings, if such  
31 visitation is part of the supervising agency's plan or is ordered by  
32 the court; and

33 (iii) Cooperate with the department in providing necessary  
34 background checks and home studies.

35 (c) If the child was not initially placed with a relative, and the  
36 court does not release the child to his or her parent, guardian, or  
37 legal custodian, the supervising agency shall make reasonable efforts  
38 to locate a relative pursuant to RCW 13.34.060(1).

1        (d) If a relative is not available, the court shall order continued  
2 shelter care or order placement with another suitable person, and the  
3 court shall set forth its reasons for the order. ((The court shall  
4 enter a finding as to whether RCW 13.34.060(2) and subsections (1) and  
5 (2) of this section have been complied with. If actual notice was not  
6 given to the parent, guardian, or legal custodian and the whereabouts  
7 of such person is known or can be ascertained, the court shall order  
8 the supervising agency or the department of social and health services  
9 to make reasonable efforts to advise the parent, guardian, or legal  
10 custodian of the status of the case, including the date and time of any  
11 subsequent hearings, and their rights under RCW 13.34.090.

12        (3)) If the court orders placement of the child with a person not  
13 related to the child and not licensed to provide foster care, the  
14 placement is subject to all terms and conditions of this section that  
15 apply to relative placements.

16        (e) Any placement with a relative, or other person approved by the  
17 court pursuant to this section, shall be contingent upon cooperation  
18 with the agency case plan and compliance with court orders related to  
19 the care and supervision of the child including, but not limited to,  
20 court orders regarding parent-child contacts, sibling contacts, and any  
21 other conditions imposed by the court. Noncompliance with the case  
22 plan or court order is grounds for removal of the child from the home  
23 of the relative or other person, subject to review by the court.

24        (6)(a) A shelter care order issued pursuant to this section shall  
25 include the requirement for a case conference as provided in RCW  
26 13.34.067. However, if the parent is not present at the shelter care  
27 hearing, or does not agree to the case conference, the court shall not  
28 include the requirement for the case conference in the shelter care  
29 order.

30        (b) If the court orders a case conference, the shelter care order  
31 shall include notice to all parties and establish the date, time, and  
32 location of the case conference which shall be no later than thirty  
33 days before the fact-finding hearing.

34        (c) The court may order another conference, case staffing, or  
35 hearing as an alternative to the case conference required under RCW  
36 13.34.067 so long as the conference, case staffing, or hearing ordered  
37 by the court meets all requirements under RCW 13.34.067, including the

1 requirement of a written agreement specifying the services to be  
2 provided to the parent.

3 (7)(a) A shelter care order issued pursuant to this section may be  
4 amended at any time with notice and hearing thereon. The shelter care  
5 decision of placement shall be modified only upon a showing of change  
6 in circumstances. No child may be placed in shelter care for longer  
7 than thirty days without an order, signed by the judge, authorizing  
8 continued shelter care.

9 (b)(i) An order releasing the child on any conditions specified in  
10 this section may at any time be amended, with notice and hearing  
11 thereon, so as to return the child to shelter care for failure of the  
12 parties to conform to the conditions originally imposed.

13 (ii) The court shall consider whether nonconformance with any  
14 conditions resulted from circumstances beyond the control of the  
15 parent, guardian, or legal custodian and give weight to that fact  
16 before ordering return of the child to shelter care.

17 ~~((4))~~ (8)(a) If a child is returned home from shelter care a  
18 second time in the case, or if the supervisor of the caseworker deems  
19 it necessary, the multidisciplinary team may be reconvened.

20 ~~((5))~~ (b) If a child is returned home from shelter care a second  
21 time in the case a law enforcement officer must be present and file a  
22 report to the department.

23 **Sec. 6.** RCW 13.34.130 and 2003 c 227 s 3 are each amended to read  
24 as follows:

25 If, after a fact-finding hearing pursuant to RCW 13.34.110, it has  
26 been proven by a preponderance of the evidence that the child is  
27 dependent within the meaning of RCW 13.34.030 after consideration of  
28 the social study prepared pursuant to RCW 13.34.110 and after a  
29 disposition hearing has been held pursuant to RCW 13.34.110, the court  
30 shall enter an order of disposition pursuant to this section.

31 (1) The court shall order one of the following dispositions of the  
32 case:

33 (a) Order a disposition other than removal of the child from his or  
34 her home, which shall provide a program designed to alleviate the  
35 immediate danger to the child, to mitigate or cure any damage the child  
36 has already suffered, and to aid the parents so that the child will not

1 be endangered in the future. In determining the disposition, the court  
2 should choose those services, including housing assistance, that least  
3 interfere with family autonomy and are adequate to protect the child.

4 (b) Order the child to be removed from his or her home and into the  
5 custody, control, and care of a relative or the department or a  
6 licensed child placing agency for placement in a foster family home or  
7 group care facility licensed pursuant to chapter 74.15 RCW or in a home  
8 not required to be licensed pursuant to chapter 74.15 RCW. Unless  
9 there is reasonable cause to believe that the health, safety, or  
10 welfare of the child would be jeopardized or that efforts to reunite  
11 the parent and child will be hindered, such child shall be placed with  
12 a person who is: (i) Related to the child as defined in RCW  
13 74.15.020(2)(a) with whom the child has a relationship and is  
14 comfortable; and (ii) willing and available to care for the child.

15 (2) Placement of the child with a relative under this subsection  
16 shall be given preference by the court. An order for out-of-home  
17 placement may be made only if the court finds that reasonable efforts  
18 have been made to prevent or eliminate the need for removal of the  
19 child from the child's home and to make it possible for the child to  
20 return home, specifying the services that have been provided to the  
21 child and the child's parent, guardian, or legal custodian, and that  
22 preventive services have been offered or provided and have failed to  
23 prevent the need for out-of-home placement, unless the health, safety,  
24 and welfare of the child cannot be protected adequately in the home,  
25 and that:

26 (a) There is no parent or guardian available to care for such  
27 child;

28 (b) The parent, guardian, or legal custodian is not willing to take  
29 custody of the child; or

30 (c) The court finds, by clear, cogent, and convincing evidence, a  
31 manifest danger exists that the child will suffer serious abuse or  
32 neglect if the child is not removed from the home and an order under  
33 RCW 26.44.063 would not protect the child from danger.

34 (3) If the court has ordered a child removed from his or her home  
35 pursuant to subsection (1)(b) of this section, the court shall consider  
36 whether it is in a child's best interest to be placed with, have  
37 contact with, or have visits with siblings.

1 (a) There shall be a presumption that such placement, contact, or  
2 visits are in the best interests of the child provided that:

3 (i) The court has jurisdiction over all siblings subject to the  
4 order of placement, contact, or visitation pursuant to petitions filed  
5 under this chapter or the parents of a child for whom there is no  
6 jurisdiction are willing to agree; and

7 (ii) There is no reasonable cause to believe that the health,  
8 safety, or welfare of any child subject to the order of placement,  
9 contact, or visitation would be jeopardized or that efforts to reunite  
10 the parent and child would be hindered by such placement, contact, or  
11 visitation. In no event shall parental visitation time be reduced in  
12 order to provide sibling visitation.

13 (b) The court may also order placement, contact, or visitation of  
14 a child with a step-brother or step-sister provided that in addition to  
15 the factors in (a) of this subsection, the child has a relationship and  
16 is comfortable with the step-sibling.

17 (4) If the court has ordered a child removed from his or her home  
18 pursuant to subsection (1)(b) of this section and placed into  
19 nonparental or nonrelative care, the court shall order a placement that  
20 allows the child to remain in the same school he or she attended prior  
21 to the initiation of the dependency proceeding when such a placement is  
22 practical and in the child's best interest.

23 (5) If the court has ordered a child removed from his or her home  
24 pursuant to subsection (1)(b) of this section, the court may order that  
25 a petition seeking termination of the parent and child relationship be  
26 filed if the requirements of RCW 13.34.132 are met.

27 ((+5)) (6) If there is insufficient information at the time of the  
28 disposition hearing upon which to base a determination regarding the  
29 suitability of a proposed placement with a relative, the child shall  
30 remain in foster care and the court shall direct the supervising agency  
31 to conduct necessary background investigations as provided in chapter  
32 74.15 RCW and report the results of such investigation to the court  
33 within thirty days. However, if such relative appears otherwise  
34 suitable and competent to provide care and treatment, the criminal  
35 history background check need not be completed before placement, but as  
36 soon as possible after placement. Any placements with relatives,  
37 pursuant to this section, shall be contingent upon cooperation by the  
38 relative with the agency case plan and compliance with court orders

1 related to the care and supervision of the child including, but not  
2 limited to, court orders regarding parent-child contacts, sibling  
3 contacts, and any other conditions imposed by the court. Noncompliance  
4 with the case plan or court order shall be grounds for removal of the  
5 child from the relative's home, subject to review by the court.

6 **Sec. 7.** RCW 13.34.136 and 2004 c 146 s 1 are each amended to read  
7 as follows:

8 (1) (~~Whenever a child is ordered removed from the child's home,~~)  
9 A permanency plan shall be developed no later than sixty days from the  
10 time the supervising agency assumes responsibility for providing  
11 services, including placing the child, or at the time of a hearing  
12 under RCW 13.34.130, whichever occurs first. The permanency planning  
13 process continues until a permanency planning goal is achieved or  
14 dependency is dismissed. The planning process shall include reasonable  
15 efforts to return the child to the parent's home.

16 (2) The agency (~~charged with his or her care shall provide the~~  
17 court with)) supervising the dependency shall submit a written  
18 permanency plan to all parties and the court not less than fourteen  
19 days prior to the scheduled hearing. Responsive reports of parties not  
20 in agreement with the supervising agency's proposed permanency plan  
21 must be provided to the supervising agency, all other parties, and the  
22 court at least seven days prior to the hearing.

23 The permanency plan shall include:

24 (a) A permanency plan of care that shall identify one of the  
25 following outcomes as a primary goal and may identify additional  
26 outcomes as alternative goals: Return of the child to the home of the  
27 child's parent, guardian, or legal custodian; adoption; guardianship;  
28 permanent legal custody; long-term relative or foster care, until the  
29 child is age eighteen, with a written agreement between the parties and  
30 the care provider; successful completion of a responsible living skills  
31 program; or independent living, if appropriate and if the child is age  
32 sixteen or older. The department shall not discharge a child to an  
33 independent living situation before the child is eighteen years of age  
34 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

35 (b) Unless the court has ordered, pursuant to RCW 13.34.130(4),  
36 that a termination petition be filed, a specific plan as to where the  
37 child will be placed, what steps will be taken to return the child

1 home, what steps the agency will take to promote existing appropriate  
2 sibling relationships and/or facilitate placement together or contact  
3 in accordance with the best interests of each child, and what actions  
4 the agency will take to maintain parent-child ties. All aspects of the  
5 plan shall include the goal of achieving permanence for the child.

6 (i) The agency plan shall specify what services the parents will be  
7 offered to enable them to resume custody, what requirements the parents  
8 must meet to resume custody, and a time limit for each service plan and  
9 parental requirement.

10 (ii) Visitation is the right of the family, including the child and  
11 the parent, in cases in which visitation is in the best interest of the  
12 child. Early, consistent, and frequent visitation is crucial for  
13 maintaining parent-child relationships and making it possible for  
14 parents and children to safely reunify. The agency shall encourage the  
15 maximum parent and child and sibling contact possible, when it is in  
16 the best interest of the child, including regular visitation and  
17 participation by the parents in the care of the child while the child  
18 is in placement. Visitation shall not be limited as a sanction for a  
19 parent's failure to comply with court orders or services where the  
20 health, safety, or welfare of the child is not at risk as a result of  
21 the visitation. Visitation may be limited or denied only if the court  
22 determines that such limitation or denial is necessary to protect the  
23 child's health, safety, or welfare. The court and the agency should  
24 rely upon community resources, relatives, foster parents, and other  
25 appropriate persons to provide transportation and supervision for  
26 visitation to the extent that such resources are available, and  
27 appropriate, and the child's safety would not be compromised.

28 (iii) A child shall be placed as close to the child's home as  
29 possible, preferably in the child's own neighborhood, unless the court  
30 finds that placement at a greater distance is necessary to promote the  
31 child's or parents' well-being.

32 (iv) The plan shall state whether both in-state and, where  
33 appropriate, out-of-state placement options have been considered by the  
34 department.

35 (v) Unless it is not in the best interests of the child, whenever  
36 practical, the plan should ensure the child remains enrolled in the  
37 school the child was attending at the time the child entered foster  
38 care.

1        (vi) The agency charged with supervising a child in placement shall  
2 provide all reasonable services that are available within the agency,  
3 or within the community, or those services which the department has  
4 existing contracts to purchase. It shall report to the court if it is  
5 unable to provide such services; and

6        (c) If the court has ordered, pursuant to RCW 13.34.130(4), that a  
7 termination petition be filed, a specific plan as to where the child  
8 will be placed, what steps will be taken to achieve permanency for the  
9 child, services to be offered or provided to the child, and, if  
10 visitation would be in the best interests of the child, a  
11 recommendation to the court regarding visitation between parent and  
12 child pending a fact-finding hearing on the termination petition. The  
13 agency shall not be required to develop a plan of services for the  
14 parents or provide services to the parents if the court orders a  
15 termination petition be filed. However, reasonable efforts to ensure  
16 visitation and contact between siblings shall be made unless there is  
17 reasonable cause to believe the best interests of the child or siblings  
18 would be jeopardized.

19        ~~((+2))~~ (3) Permanency planning goals should be achieved at the  
20 earliest possible date, preferably before the child has been in out-of-  
21 home care for fifteen months. In cases where parental rights have been  
22 terminated, the child is legally free for adoption, and adoption has  
23 been identified as the primary permanency planning goal, it shall be a  
24 goal to complete the adoption within six months following entry of the  
25 termination order.

26        (4) If the court determines that the continuation of reasonable  
27 efforts to prevent or eliminate the need to remove the child from his  
28 or her home or to safely return the child home should not be part of  
29 the permanency plan of care for the child, reasonable efforts shall be  
30 made to place the child in a timely manner and to complete whatever  
31 steps are necessary to finalize the permanent placement of the child.

32        ~~((+3))~~ (5) The identified outcomes and goals of the permanency  
33 plan may change over time based upon the circumstances of the  
34 particular case.

35        (6) The court shall consider the child's relationships with the  
36 child's siblings in accordance with RCW 13.34.130(3).

37        (7) For purposes related to permanency planning:

1 (a) "Guardianship" means a dependency guardianship or a legal  
2 guardianship pursuant to chapter 11.88 RCW or equivalent laws of  
3 another state or a federally recognized Indian tribe.

4 (b) "Permanent custody order" means a custody order entered  
5 pursuant to chapter 26.10 RCW.

6 (c) "Permanent legal custody" means legal custody pursuant to  
7 chapter 26.10 RCW or equivalent laws of another state or a federally  
8 recognized Indian tribe.

9 **Sec. 8.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read  
10 as follows:

11 (1) Except for children whose cases are reviewed by a citizen  
12 review board under chapter 13.70 RCW, the status of all children found  
13 to be dependent shall be reviewed by the court at least every six  
14 months from the beginning date of the placement episode or the date  
15 dependency is established, whichever is first ~~((, at a))~~. The purpose  
16 of the hearing ((in which it)) shall be ((determined)) to review the  
17 progress of the parties and determine whether court supervision should  
18 continue.

19 (a) The initial review hearing shall be an in-court review and  
20 shall be set six months from the beginning date of the placement  
21 episode or no more than ninety days from the entry of the disposition  
22 order, whichever comes first. The requirements for the initial review  
23 hearing, including the in-court review requirement, shall be  
24 accomplished within existing resources.

25 (b) The initial review hearing may be a permanency planning hearing  
26 when necessary to meet the time frames set forth in RCW  
27 13.34.145 ~~((+3))~~ (1)(a) or 13.34.134. ~~((The review shall include~~  
28 findings regarding the agency and parental completion of disposition  
29 plan requirements, and if necessary, revised permanency time limits.  
30 This review shall consider both the agency's and parent's efforts that  
31 demonstrate consistent measurable progress over time in meeting the  
32 disposition plan requirements. The requirements for the initial review  
33 hearing, including the in-court requirement, shall be accomplished  
34 within existing resources. The supervising agency shall provide a  
35 foster parent, preadoptive parent, or relative with notice of, and  
36 their right to an opportunity to be heard in, a review hearing  
37 pertaining to the child, but only if that person is currently providing

1 ~~care to that child at the time of the hearing. This section shall not~~  
2 ~~be construed to grant party status to any person who has been provided~~  
3 ~~an opportunity to be heard.))~~

4 (2)(a) A child shall not be returned home at the review hearing  
5 unless the court finds that a reason for removal as set forth in RCW  
6 13.34.130 no longer exists. The parents, guardian, or legal custodian  
7 shall report to the court the efforts they have made to correct the  
8 conditions which led to removal. If a child is returned, casework  
9 supervision shall continue for a period of six months, at which time  
10 there shall be a hearing on the need for continued intervention.

11 (b) If the child is not returned home, the court shall establish in  
12 writing:

13 (i) ~~((Whether reasonable services have been provided to or offered~~  
14 ~~to the parties to facilitate reunion, specifying the services provided~~  
15 ~~or offered))~~ Whether the agency is making reasonable efforts to provide  
16 services to the family and eliminate the need for placement of the  
17 child. If additional services, including housing assistance, are  
18 needed to facilitate the return of the child to the child's parents,  
19 the court shall order that reasonable services be offered specifying  
20 such services;

21 (ii) Whether there has been compliance with the case plan by the  
22 child, the child's parents, and the agency supervising the placement;

23 (iii) Whether progress has been made toward correcting the problems  
24 that necessitated the child's placement in out-of-home care;

25 (iv) Whether the services set forth in the case plan and the  
26 responsibilities of the parties need to be clarified or modified due to  
27 the availability of additional information or changed circumstances;

28 (v) Whether there is a continuing need for placement;

29 (vi) Whether the child is in an appropriate placement which  
30 adequately meets all physical, emotional, and educational needs;

31 ~~((ii))~~ (vii) Whether ~~((the child has been placed in the least-~~  
32 ~~restrictive setting appropriate to the child's needs, including whether~~  
33 ~~consideration and))~~ preference has been given to placement with the  
34 child's relatives;

35 ~~((iii) Whether there is a continuing need for placement and~~  
36 ~~whether the placement is appropriate;~~

37 ~~(iv) Whether there has been compliance with the case plan by the~~  
38 ~~child, the child's parents, and the agency supervising the placement;~~

1 ~~(v) Whether progress has been made toward correcting the problems~~  
2 ~~that necessitated the child's placement in out-of-home care;~~

3 ~~(vi))~~ (viii) Whether both in-state and, where appropriate, out-of-  
4 state placements have been considered;

5 (ix) Whether the parents have visited the child and any reasons why  
6 visitation has not occurred or has been infrequent;

7 ~~((vii) Whether additional services, including housing assistance,~~  
8 ~~are needed to facilitate the return of the child to the child's~~  
9 ~~parents; if so, the court shall order that reasonable services be~~  
10 ~~offered specifying such services; and~~

11 ~~(viii))~~ (x) Whether terms of visitation need to be modified;

12 (xi) Whether the court-approved long-term permanent plan for the  
13 child remains the best plan for the child;

14 (xii) Whether any additional court orders need to be made to move  
15 the case toward permanency; and

16 (xiii) The projected date by which the child will be returned home  
17 or other permanent plan of care will be implemented.

18 (c) The court at the review hearing may order that a petition  
19 seeking termination of the parent and child relationship be filed.

20 ~~((2))~~ (3)(a) In any case in which the court orders that a  
21 dependent child may be returned to or remain in the child's home, the  
22 in-home placement shall be contingent upon the following:

23 (i) The compliance of the parents with court orders related to the  
24 care and supervision of the child, including compliance with an agency  
25 case plan; and

26 (ii) The continued participation of the parents, if applicable, in  
27 available substance abuse or mental health treatment if substance abuse  
28 or mental illness was a contributing factor to the removal of the  
29 child.

30 (b) The following may be grounds for removal of the child from the  
31 home, subject to review by the court:

32 (i) Noncompliance by the parents with the agency case plan or court  
33 order;

34 (ii) The parent's inability, unwillingness, or failure to  
35 participate in available services or treatment for themselves or the  
36 child, including substance abuse treatment if a parent's substance  
37 abuse was a contributing factor to the abuse or neglect; or

1 (iii) The failure of the parents to successfully and substantially  
2 complete available services or treatment for themselves or the child,  
3 including substance abuse treatment if a parent's substance abuse was  
4 a contributing factor to the abuse or neglect.

5 ~~((3))~~ (4) The court's ability to order housing assistance under  
6 RCW 13.34.130 and this section is: (a) Limited to cases in which  
7 homelessness or the lack of adequate and safe housing is the primary  
8 reason for an out-of-home placement; and (b) subject to the  
9 availability of funds appropriated for this specific purpose.

10 ~~((4))~~ (5) The court shall consider the child's relationship with  
11 siblings in accordance with RCW 13.34.130(3).

12 **Sec. 9.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read  
13 as follows:

14 (1) ~~((A permanency plan shall be developed no later than sixty days  
15 from the time the supervising agency assumes responsibility for  
16 providing services, including placing the child, or at the time of a  
17 hearing under RCW 13.34.130, whichever occurs first. The permanency  
18 planning process continues until a permanency planning goal is achieved  
19 or dependency is dismissed. The planning process shall include  
20 reasonable efforts to return the child to the parent's home.~~

21 ~~(a) Whenever a child is placed in out-of-home care pursuant to RCW  
22 13.34.130, the agency that has custody of the child shall provide the  
23 court with a written permanency plan of care directed towards securing  
24 a safe, stable, and permanent home for the child as soon as possible.  
25 The plan shall identify one of the following outcomes as the primary  
26 goal and may also identify additional outcomes as alternative goals:  
27 Return of the child to the home of the child's parent, guardian, or  
28 legal custodian; adoption; guardianship; permanent legal custody; long-  
29 term relative or foster care, until the child is age eighteen, with a  
30 written agreement between the parties and the care provider; a  
31 responsible living skills program; and independent living, if  
32 appropriate and if the child is age sixteen or older and the provisions  
33 of subsection (2) of this section are met.~~

34 ~~(b) The identified outcomes and goals of the permanency plan may  
35 change over time based upon the circumstances of the particular case.~~

36 ~~(c) Permanency planning goals should be achieved at the earliest  
37 possible date, preferably before the child has been in out-of-home care~~

1 for fifteen months. In cases where parental rights have been  
2 terminated, the child is legally free for adoption, and adoption has  
3 been identified as the primary permanency planning goal, it shall be a  
4 goal to complete the adoption within six months following entry of the  
5 termination order.

6 ~~(d) For purposes related to permanency planning:~~

7 ~~(i) "Guardianship" means a dependency guardianship, a legal~~  
8 ~~guardianship pursuant to chapter 11.88 RCW, or equivalent laws of~~  
9 ~~another state or a federally recognized Indian tribe.~~

10 ~~(ii) "Permanent custody order" means a custody order entered~~  
11 ~~pursuant to chapter 26.10 RCW.~~

12 ~~(iii) "Permanent legal custody" means legal custody pursuant to~~  
13 ~~chapter 26.10 RCW or equivalent laws of another state or of a federally~~  
14 ~~recognized Indian tribe.~~

15 ~~(2) Whenever a permanency plan identifies independent living as a~~  
16 ~~goal, the plan shall also specifically identify the services that will~~  
17 ~~be provided to assist the child to make a successful transition from~~  
18 ~~foster care to independent living. Before the court approves~~  
19 ~~independent living as a permanency plan of care, the court shall make~~  
20 ~~a finding that the provision of services to assist the child in making~~  
21 ~~a transition from foster care to independent living will allow the~~  
22 ~~child to manage his or her financial, personal, social, educational,~~  
23 ~~and nonfinancial affairs. The department shall not discharge a child~~  
24 ~~to an independent living situation before the child is eighteen years~~  
25 ~~of age unless the child becomes emancipated pursuant to chapter 13.64~~  
26 ~~RCW.~~

27 ~~(3))~~ The purpose of a permanency planning hearing is to review the  
28 permanency plan for the child, inquire into the welfare of the child  
29 and progress of the case, and reach decisions regarding the permanent  
30 placement of the child.

31 (a) A permanency planning hearing shall be held in all cases where  
32 the child has remained in out-of-home care for at least nine months and  
33 an adoption decree, guardianship order, or permanent custody order has  
34 not previously been entered. The hearing shall take place no later  
35 than twelve months following commencement of the current placement  
36 episode.

37 ~~((4))~~ (b) Whenever a child is removed from the home of a  
38 dependency guardian or long-term relative or foster care provider, and

1 the child is not returned to the home of the parent, guardian, or legal  
2 custodian but is placed in out-of-home care, a permanency planning  
3 hearing shall take place no later than twelve months, as provided in  
4 (~~subsection (3) of~~) this section, following the date of removal  
5 unless, prior to the hearing, the child returns to the home of the  
6 dependency guardian or long-term care provider, the child is placed in  
7 the home of the parent, guardian, or legal custodian, an adoption  
8 decree, guardianship order, or a permanent custody order is entered, or  
9 the dependency is dismissed.

10 ~~((+5))~~ (c) Permanency planning goals should be achieved at the  
11 earliest possible date, preferably before the child has been in out-of-  
12 home care for fifteen months. In cases where parental rights have been  
13 terminated, the child is legally free for adoption, and adoption has  
14 been identified as the primary permanency planning goal, it shall be a  
15 goal to complete the adoption within six months following entry of the  
16 termination order.

17 (2) No later than ten working days prior to the permanency planning  
18 hearing, the agency having custody of the child shall submit a written  
19 permanency plan to the court and shall mail a copy of the plan to all  
20 parties and their legal counsel, if any.

21 ~~((+6))~~ (3) At the permanency planning hearing, the court shall  
22 ~~((enter findings as required by RCW 13.34.138 and shall review the~~  
23 ~~permanency plan prepared by the agency)) conduct the following inquiry:~~

24 (a) If a goal of long-term foster or relative care has been  
25 achieved prior to the permanency planning hearing, the court shall  
26 review the child's status to determine whether the placement and the  
27 plan for the child's care remain appropriate.

28 (b) In cases where the primary permanency planning goal has not  
29 been achieved, the court shall inquire regarding the reasons why the  
30 primary goal has not been achieved and determine what needs to be done  
31 to make it possible to achieve the primary goal. The court shall  
32 review the permanency plan prepared by the agency and make explicit  
33 findings regarding each of the following:

34 (i) The continuing necessity for, and the safety and  
35 appropriateness of, the placement;

36 (ii) The extent of compliance with the permanency plan by the  
37 agency and any other service providers, the child's parents, the child,  
38 and the child's guardian, if any;

1 (iii) The extent of any efforts to involve appropriate service  
2 providers in addition to agency staff in planning to meet the special  
3 needs of the child and the child's parents;

4 (iv) The progress toward eliminating the causes for the child's  
5 placement outside of his or her home and toward returning the child  
6 safely to his or her home or obtaining a permanent placement for the  
7 child;

8 (v) The date by which it is likely that the child will be returned  
9 to his or her home or placed for adoption, with a guardian or in some  
10 other alternative permanent placement; and

11 (vi) If the child has been placed outside of his or her home for  
12 fifteen of the most recent twenty-two months, not including any period  
13 during which the child was a runaway from the out-of-home placement or  
14 the first six months of any period during which the child was returned  
15 to his or her home for a trial home visit, the appropriateness of the  
16 permanency plan, whether reasonable efforts were made by the agency to  
17 achieve the goal of the permanency plan, and the circumstances which  
18 prevent the child from any of the following:

19 (A) Being returned safely to his or her home;

20 (B) Having a petition for the involuntary termination of parental  
21 rights filed on behalf of the child;

22 (C) Being placed for adoption;

23 (D) Being placed with a guardian;

24 (E) Being placed in the home of a fit and willing relative of the  
25 child; or

26 (F) Being placed in some other alternative permanent placement,  
27 including independent living or long-term foster care.

28 (c)(i) If the permanency plan identifies independent living as a  
29 goal, the court shall make a finding that the provision of services to  
30 assist the child in making a transition from foster care to independent  
31 living will allow the child to manage his or her financial, personal,  
32 social, educational, and nonfinancial affairs prior to approving  
33 independent living as a permanency plan of care.

34 (ii) The permanency plan shall also specifically identify the  
35 services that will be provided to assist the child to make a successful  
36 transition from foster care to independent living.

37 (iii) The department shall not discharge a child to an independent

1 living situation before the child is eighteen years of age unless the  
2 child becomes emancipated pursuant to chapter 13.64 RCW.

3 (d) If the child has resided in the home of a foster parent or  
4 relative for more than six months prior to the permanency planning  
5 hearing, the court shall also enter a finding regarding whether the  
6 foster parent or relative was informed of the hearing as required in  
7 RCW 74.13.280 and 13.34.138. ((If a goal of long term foster or  
8 relative care has been achieved prior to the permanency planning  
9 hearing, the court shall review the child's status to determine whether  
10 the placement and the plan for the child's care remain appropriate. In  
11 cases where the primary permanency planning goal has not been achieved,  
12 the court shall inquire regarding the reasons why the primary goal has  
13 not been achieved and determine what needs to be done to make it  
14 possible to achieve the primary goal.))

15 (4) In all cases, at the permanency planning hearing, the court  
16 shall:

17 (a)(i) Order the permanency plan prepared by the agency to be  
18 implemented; or

19 (ii) Modify the permanency plan, and order implementation of the  
20 modified plan; and

21 (b)(i) Order the child returned home only if the court finds that  
22 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

23 (ii) Order the child to remain in out-of-home care for a limited  
24 specified time period while efforts are made to implement the  
25 permanency plan.

26 ~~((7))~~ (5) Following the first permanency planning hearing, the  
27 court shall hold a further permanency planning hearing in accordance  
28 with this section at least once every twelve months until a permanency  
29 planning goal is achieved or the dependency is dismissed, whichever  
30 occurs first.

31 (6) Prior to the second permanency planning hearing, the agency  
32 that has custody of the child shall consider whether to file a petition  
33 for termination of parental rights.

34 (7) If the court orders the child returned home, casework  
35 supervision shall continue for at least six months, at which time a  
36 review hearing shall be held pursuant to RCW 13.34.138, and the court  
37 shall determine the need for continued intervention.

1 (8) The juvenile court may hear a petition for permanent legal  
2 custody when: (a) The court has ordered implementation of a permanency  
3 plan that includes permanent legal custody; and (b) the party pursuing  
4 the permanent legal custody is the party identified in the permanency  
5 plan as the prospective legal custodian. During the pendency of such  
6 proceeding, the court shall conduct review hearings and further  
7 permanency planning hearings as provided in this chapter. At the  
8 conclusion of the legal guardianship or permanent legal custody  
9 proceeding, a juvenile court hearing shall be held for the purpose of  
10 determining whether dependency should be dismissed. If a guardianship  
11 or permanent custody order has been entered, the dependency shall be  
12 dismissed.

13 (9) Continued juvenile court jurisdiction under this chapter shall  
14 not be a barrier to the entry of an order establishing a legal  
15 guardianship or permanent legal custody when the requirements of  
16 subsection (8) of this section are met.

17 ~~(10) ((Following the first permanency planning hearing, the court  
18 shall hold a further permanency planning hearing in accordance with  
19 this section at least once every twelve months until a permanency  
20 planning goal is achieved or the dependency is dismissed, whichever  
21 occurs first.~~

22 ~~(11) Except as provided in RCW 13.34.235, the status of all  
23 dependent children shall continue to be reviewed by the court at least  
24 once every six months, in accordance with RCW 13.34.138, until the  
25 dependency is dismissed. Prior to the second permanency planning  
26 hearing, the agency that has custody of the child shall consider  
27 whether to file a petition for termination of parental rights.~~

28 ~~(12))~~ Nothing in this chapter may be construed to limit the  
29 ability of the agency that has custody of the child to file a petition  
30 for termination of parental rights or a guardianship petition at any  
31 time following the establishment of dependency. Upon the filing of  
32 such a petition, a fact-finding hearing shall be scheduled and held in  
33 accordance with this chapter unless the agency requests dismissal of  
34 the petition prior to the hearing or unless the parties enter an agreed  
35 order terminating parental rights, establishing guardianship, or  
36 otherwise resolving the matter.

37 ~~((13))~~ (11) The approval of a permanency plan that does not  
38 contemplate return of the child to the parent does not relieve the

1 supervising agency of its obligation to provide reasonable services,  
2 under this chapter, intended to effectuate the return of the child to  
3 the parent, including but not limited to, visitation rights. The court  
4 shall consider the child's relationships with siblings in accordance  
5 with RCW 13.34.130.

6 ~~((14))~~ (12) Nothing in this chapter may be construed to limit the  
7 procedural due process rights of any party in a termination or  
8 guardianship proceeding filed under this chapter.

9 **Sec. 10.** RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are  
10 each reenacted and amended to read as follows:

11 The department shall have the duty to provide child welfare  
12 services and shall:

13 (1) Develop, administer, supervise, and monitor a coordinated and  
14 comprehensive plan that establishes, aids, and strengthens services for  
15 the protection and care of runaway, dependent, or neglected children.

16 (2) Within available resources, recruit an adequate number of  
17 prospective adoptive and foster homes, both regular and specialized,  
18 i.e. homes for children of ethnic minority, including Indian homes for  
19 Indian children, sibling groups, handicapped and emotionally disturbed,  
20 teens, pregnant and parenting teens, and annually report to the  
21 governor and the legislature concerning the department's success in:  
22 (a) Meeting the need for adoptive and foster home placements; (b)  
23 reducing the foster parent turnover rate; (c) completing home studies  
24 for legally free children; and (d) implementing and operating the  
25 passport program required by RCW 74.13.285. The report shall include  
26 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

27 (3) Investigate complaints of any recent act or failure to act on  
28 the part of a parent or caretaker that results in death, serious  
29 physical or emotional harm, or sexual abuse or exploitation, or that  
30 presents an imminent risk of serious harm, and on the basis of the  
31 findings of such investigation, offer child welfare services in  
32 relation to the problem to such parents, legal custodians, or persons  
33 serving in loco parentis, and/or bring the situation to the attention  
34 of an appropriate court, or another community agency: PROVIDED, That  
35 an investigation is not required of nonaccidental injuries which are  
36 clearly not the result of a lack of care or supervision by the child's  
37 parents, legal custodians, or persons serving in loco parentis. If the

1 investigation reveals that a crime against a child may have been  
2 committed, the department shall notify the appropriate law enforcement  
3 agency.

4 (4) Offer, on a voluntary basis, family reconciliation services to  
5 families who are in conflict.

6 (5) Monitor out-of-home placements, on a timely and routine basis,  
7 to assure the safety, well-being, and quality of care being provided is  
8 within the scope of the intent of the legislature as defined in RCW  
9 74.13.010 and 74.15.010, and annually submit a report measuring the  
10 extent to which the department achieved the specified goals to the  
11 governor and the legislature.

12 (6) Have authority to accept custody of children from parents and  
13 to accept custody of children from juvenile courts, where authorized to  
14 do so under law, to provide child welfare services including placement  
15 for adoption, to provide for the routine and necessary medical, dental,  
16 and mental health care, or necessary emergency care of the children,  
17 and to provide for the physical care of such children and make payment  
18 of maintenance costs if needed. Except where required by Public Law  
19 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
20 children for adoption from the department shall discriminate on the  
21 basis of race, creed, or color when considering applications in their  
22 placement for adoption.

23 (7) Have authority to provide temporary shelter to children who  
24 have run away from home and who are admitted to crisis residential  
25 centers.

26 (8) Have authority to purchase care for children; and shall follow  
27 in general the policy of using properly approved private agency  
28 services for the actual care and supervision of such children insofar  
29 as they are available, paying for care of such children as are accepted  
30 by the department as eligible for support at reasonable rates  
31 established by the department.

32 (9) Establish a children's services advisory committee which shall  
33 assist the secretary in the development of a partnership plan for  
34 utilizing resources of the public and private sectors, and advise on  
35 all matters pertaining to child welfare, licensing of child care  
36 agencies, adoption, and services related thereto. At least one member  
37 shall represent the adoption community.

1 (10)(a) Have authority to provide continued foster care or group  
2 care as needed to participate in or complete a high school or  
3 vocational school program.

4 (b)(i) Beginning in 2006, the department has the authority to allow  
5 up to fifty youth reaching age eighteen to continue in foster care or  
6 group care as needed to participate in or complete a posthigh school  
7 academic or vocational program, and to receive necessary support and  
8 transition services.

9 (ii) In 2007 and 2008, the department has the authority to allow up  
10 to fifty additional youth per year reaching age eighteen to remain in  
11 foster care or group care as provided in (b)(i) of this subsection.

12 (iii) A youth who remains eligible for such placement and services  
13 pursuant to department rules may continue in foster care or group care  
14 until the youth reaches his or her twenty-first birthday. Eligibility  
15 requirements shall include active enrollment in a posthigh school  
16 academic or vocational program and maintenance of a 2.0 grade point  
17 average.

18 (11) Refer cases to the division of child support whenever state or  
19 federal funds are expended for the care and maintenance of a child,  
20 including a child with a developmental disability who is placed as a  
21 result of an action under chapter 13.34 RCW, unless the department  
22 finds that there is good cause not to pursue collection of child  
23 support against the parent or parents of the child. Cases involving  
24 individuals age eighteen through twenty shall not be referred to the  
25 division of child support unless required by federal law.

26 (12) Have authority within funds appropriated for foster care  
27 services to purchase care for Indian children who are in the custody of  
28 a federally recognized Indian tribe or tribally licensed child-placing  
29 agency pursuant to parental consent, tribal court order, or state  
30 juvenile court order; and the purchase of such care shall be subject to  
31 the same eligibility standards and rates of support applicable to other  
32 children for whom the department purchases care.

33 Notwithstanding any other provision of RCW 13.32A.170 through  
34 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
35 services to be provided by the department of social and health services  
36 under subsections (4), (6), and (7) of this section, subject to the  
37 limitations of these subsections, may be provided by any program

1 offering such services funded pursuant to Titles II and III of the  
2 federal juvenile justice and delinquency prevention act of 1974.

3 (13) Within amounts appropriated for this specific purpose, provide  
4 preventive services to families with children that prevent or shorten  
5 the duration of an out-of-home placement.

6 (14) Have authority to provide independent living services to  
7 youths, including individuals who have attained eighteen years of age,  
8 and have not attained twenty-one years of age who are or have been in  
9 foster care.

10 (15) Consult at least quarterly with foster parents, including  
11 members of the foster parent association of Washington state, for the  
12 purpose of receiving information and comment regarding how the  
13 department is performing the duties and meeting the obligations  
14 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
15 recruitment of foster homes, reducing foster parent turnover rates,  
16 providing effective training for foster parents, and administering a  
17 coordinated and comprehensive plan that strengthens services for the  
18 protection of children. Consultation shall occur at the regional and  
19 statewide levels.

20 NEW SECTION. Sec. 11. (1) The secretary of the department of  
21 social and health services shall work in conjunction with the  
22 University of Washington to study the need for and the feasibility of  
23 creating tiered classifications for foster parent licensing, including  
24 a professional foster parent classification. The secretary of the  
25 department of social and health services and the dean of the school of  
26 social work, or his or her designee, at the University of Washington  
27 jointly shall facilitate a work group composed of: (a) The president  
28 of the senate shall appoint two members from each of the two largest  
29 caucuses of the senate; and the speaker of the house of representatives  
30 shall appoint two members from each of the two largest caucuses of the  
31 house of representatives; (b) four foster parents, including two  
32 representatives from the foster parent association of Washington state;  
33 (c) the director of the institute for children and families at the  
34 University of Washington; (d) a representative of the Washington  
35 federation of state employees; and (e) four or more child welfare  
36 professionals with subject matter expertise from the public, private,  
37 or academic communities.

1 (2) To promote the exchange of ideas and collaboration, the  
2 secretary and the director also shall convene at least two focused  
3 stakeholder meetings seeking input from a broad range of foster  
4 parents, social workers, and community members. To facilitate the  
5 exchange of ideas, the department of social and health services shall  
6 provide to the work group the contact information for licensed foster  
7 parents for the sole purpose of communicating with foster parents  
8 regarding issues relevant to foster parents. The work group shall keep  
9 the contact information confidential and shall develop guidelines for  
10 the use and maintenance of this contact information among work group  
11 members.

12 (3) The secretary of the department of social and health services  
13 and the dean of the school of social work, or his or her designee, at  
14 the University of Washington shall report the recommendations of the  
15 work group to the appropriate committees of the legislature by January  
16 1, 2008.

17 NEW SECTION. **Sec. 12.** Section 11 of this act expires January 1,  
18 2008.

19 NEW SECTION. **Sec. 13.** If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 remainder of the act or the application of the provision to other  
22 persons or circumstances is not affected."

**ESHB 1624** - S AMD  
By Senator

23 On page 1, line 1 of the title, after "welfare;" strike the  
24 remainder of the title and insert "amending RCW 13.34.200, 13.34.060,  
25 13.34.062, 13.34.065, 13.34.130, 13.34.136, 13.34.138, and 13.34.145;  
26 reenacting and amending RCW 74.13.031; adding a new section to chapter  
27 13.34 RCW; creating a new section; and providing an expiration date."

--- END ---